

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMOS TATE
Plaintiff

V

MAYOR of the CITY OF
ERIE, PA

CITY OF ERIE POLICE
DEPARTMENT

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C.A. NO. 05-175 ERIE

MOTION TO DISMISS COMPLAINT

AND NOW, this 6th day of July, 2005, come Defendants, Mayor of the City of Erie and City of Erie Police Department, and state the following in support of their Motion to Dismiss the Complaint:

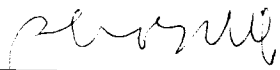
1. The Complaint fails to state a claim for which relief can be granted in that it :
 - A. Fails to identify an individual or entity which can be sued
 - B. Fails to provide adequate notice of the nature of Plaintiff's claims or the specific manner in which Defendants allegedly violated his rights or otherwise injured him.
 - C. Demands an unauthorized amount of unliquidated damages.

WHEREFORE, Defendants demand that the complaint be dismissed with prejudice.

Respectfully Submitted,

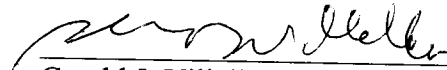
OFFICE OF ERIE CITY SOLICITOR

By: _____


Gerald J. Villella, Esq.
PA ID 32814
626 State Street, Room 505
Erie, PA 16501
(814) 870-1235

CERTIFICATE OF SERVICE

I hereby state that a true copy of the foregoing Motion to Dismiss Complaint, together with a Brief in Support was sent by First Class U.S. Mail, postage prepaid, to the Plaintiff, Amos Tate, at 341 East 21st Street, Erie, Pa 16503, on the 20th day of July, 2005.



Gerald J. Villella, Esq.
Attorney for Defendants